

OFFICE OF THE GENERAL COUNSEL  
Division of Operations-Management

MEMORANDUM OM 10-36(CH)(Revised)

February 19, 2010

TO: All Regional Directors, Officers-in-Charge,  
and Resident Officers

FROM: Richard A. Siegel, Associate General Counsel

SUBJECT: "Right to File an Appeal" Letter Translated in Spanish

Consistent with our obligations under Executive Order 13166 to better serve members of the public who may be limited in their English proficiency (See OM 03-69), attached is a translation of a form letter in Spanish (for reference purposes, the English version is also attached) that provides the charging party with information on the right to file an appeal of the Region's decision to dismiss a charge.<sup>1</sup>

For charges filed by a charging party who has limited English proficiency but is proficient in Spanish, the Region should include the attached Spanish translated letter along with the standard English dismissal letter. Prior to doing so, please insert the appeal due date in the fourth paragraph of the Spanish translated letter.

We continue to seek other tools to enhance our accessibility to the non-English speaking public. Should you have any ideas or suggestions, please share them with your AGC, Deputy, DAGC Peter Sung Ohr or the undersigned.

/s/  
R. A. S.

Attachments

cc: NLRBU  
Release to the Public

---

<sup>1</sup> The attached form letter is a Spanish translation of only the appeal rights section of the C Case Dismissal letter attached to OM 10-10, with the following introductory and concluding paragraphs:

Attached is the letter dismissing the charge you filed in the above case which details the basis for the dismissal. You have the right to appeal this determination and the instructions for doing so are set forth below . . .

Should you have any questions regarding the attached dismissal letter in English, please get in touch with the Board agent who investigated the case.

For cases in which the Region conditionally decided to dismiss or defer the charge, the introductory and concluding paragraphs in the Spanish translated letter should be modified to reflect that decision.



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

Region

Web

[www.nlrb.gov](http://www.nlrb.gov)

[Date]

[Charging Party's Attorney - otherwise,  
Charging Party if not represented by an attorney]

Ref: [Case Name]  
[Case Number]

Estimado Señores:

Adjunto la carta notificando la decisión de desestimar la querella radicada por usted en el caso de epígrafe y las razones para dicha desestimación. Usted tiene derecho a apelar esta determinación de desestimación y detallo en la presente las instrucciones para ello.

**Su Derecho de Apelación :** Las Reglas y Reglamentos de La Junta Nacional de Relaciones del Trabajo le permite obtener una revisión de esta acción radicando una apelación con el **ASESOR JURIDICO GENERAL** de la Junta Nacional de Relaciones del Trabajo, Atención: Oficina de Apelaciones. Este requisito se cumple con el uso de la Forma de Apelación (Forma NLRB-4767). No obstante, se le exhorta a que también someta una declaración detallada que establezca los hechos y las razones por las cuales usted cree que la decisión de desestimar su querella no es correcta.

**Modo de Radicar:** Una apelación se puede radicar electrónicamente, por correo, o por servicio de entrega. Se prefiere que se radique la apelación electrónicamente, pero no es requisito. La Apelación NO SE PUEDE radicar por fax. Para radicar una apelación electrónicamente, favor de acceder a la página de Internet [www.nlrb.gov](http://www.nlrb.gov), seleccione "**E-GOV**" y seleccione "**E-Filing**", y siga las instrucciones detalladas. Para radicar una apelación por correo o por servicio de entrega, dirigida la apelación a "**General Counsel, National Labor Relations Board, Attn.: Office of Appeals, 1099 14th Street, N.W., Washington, D.C. 20570-0001**". Se me debe de enviar copia de la apelación, a menos que se radique a través del Internet.

**Fecha Límite para Apelar:** La fecha de apelación se vence en [14 days from issuance]. Si usted radica la apelación electrónicamente se considerará radicada a tiempo si la transmisión del documento completo a través de la página de Internet de la

Agencia, se logra **no mas tarde de las 11:59 p.m., Hora del Este (“E.S.T.”)** de la fecha de vencimiento. Si envía la apelación por correo o la mandó por servicio de entrega, deberá ser recibida por el Asesor Jurídico General en Washington, D.C. antes del cierre de operaciones a las **5:00 p.m., Hora del Este (“E.S.T.”)** o tener el matasellos o haberse dado al servicios de entrega no mas tarde de [one day before the due date set forth above].

**Extensión de Tiempo para Radicar la Apelación:** Una vez que se demuestra causa suficiente, el Asesor Jurídico General podría otorgarle una extensión de tiempo para radicar la apelación. Se puede radicar una petición para extensión de tiempo a través de Internet, por fax, por correo, o por servicio de entrega. Para radicar electrónicamente, debe de acceder a [www.nlrb.gov](http://www.nlrb.gov), seleccionar “E-Gov”, seleccionar “E-Filing”, y seguir las instrucciones detalladas. El número de fax es (202) 273-4283. Una extensión de tiempo para radicar una apelación **se debe recibir en o antes la fecha de vencimiento de la apelación original.** Una petición para extensión de tiempo que se le da a un servicio de entrega y tiene el matasellos o se le da al servicio de entrega antes de la fecha de vencimiento de la apelación, pero se recibe después de la fecha de vencimiento de la apelación será rechazada por haberse recibido tarde. A menos que se radique a través del Internet, una copia de la petición para extensión de tiempo deberá ser enviada al Director(a) Regional.

**Confidencialidad/Privilegio:** Se le advierte que no podemos aceptar limitación alguna en cuanto al uso del contenido de cualquier declaración apelativa o de la prueba que se presente sustentando la misma una vez sea sometida a la Agencia. Por lo tanto, no se podrá honrar cualquier reclamo de confidencialidad o privilegio, excepto según lo dispuesto bajo FOIA, 5 U.S.C 552, y será a discreción de la Agencia el revelar el contenido de alguna declaración apelativa a una de las partes que así lo solicite durante el proceso apelativo. De concederse la apelación, cualquier declaración o documento sometido se podrá utilizar como evidencia en cualquier vista ante un juez administrativo. Además, la Ley de Archivos Federales nos requiere mantener copias de los documentos utilizados en la tramitación de casos por un período de años luego del cierre del mismo. Por consiguiente, FOIA nos podría requerir revelar tales expedientes así se soliciten, salvo que aplique alguna exención bajo la Ley tal como aquellas que protegen la fuente de confidencialidad, información comercial/económica o intereses de índole de privacidad personal (Ej.: Exenciones FOIA 4, 6, 7(C), y 7(D), 5 U.S.C. § 552 (b)(4), (6), (7)(C), y (7)(D)). Por consiguiente, no honraremos solicitud alguna que imponga limitaciones sobre nuestro uso del contenido de las declaraciones apelativas o prueba sometida en defensa de la misma mas allá de aquella prescritas por las leyes, regulaciones y políticas anteriormente mencionadas.

**Notificación a las Demás Partes Sobre la Apelación:** Usted debe notificarle a la(s) otra(s) parte(s) del caso que se ha radicado una Apelación. Por lo tanto, al momento de enviar la apelación al Asesor Jurídico General, favor de llenar el Formulario de Apelación (NLRB-4767) adjunto y enviar una copia del formulario a todas las partes del caso cuyos nombres y direcciones aparecen detallados en esta carta.

De usted tener alguna duda sobre el contenido de la carta de desestimación en inglés, favor de comunicarse con el agente de la Junta que investigó el caso.

Atentamente,

Directora Regional

Adjunto

cc: [Charging Party (unless addressed above because not represented by an attorney)

Non-Attorney Representative of Charging Party

Charged Party and Representative

General Counsel, Office of Appeals, NRLB, Room 8828, 1099 14<sup>th</sup> Street,

N.W.,

Washington, DC 20570]



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

Region

Web

[www.nlrb.gov](http://www.nlrb.gov)

[Date]

*[Charging Party's Attorney - otherwise,  
Charging Party if not represented by an attorney]*

Ref: [Case Name]  
[Case Number]

Appropriate Salutation:

Attached is the letter dismissing the charge you filed in the above case which details the basis for the dismissal. You have the right to appeal this determination and the instructions for doing so are set forth below.

Your Right to Appeal: The National Labor Relations Board Rules and Regulations permit you to obtain a review of this action by filing an appeal with the GENERAL COUNSEL of the National Labor Relations Board. Use of the Appeal Form (Form NLRB-4767) will satisfy this requirement. However, you are encouraged to submit a complete statement setting forth the facts and reasons why you believe that the decision to dismiss your charge was incorrect.

Means of Filing: An appeal may be filed electronically, by mail, or by delivery service. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax. To file an appeal electronically, go to the Agency's website at [www.nlrb.gov](http://www.nlrb.gov), click on E-GOV, select E-Filing, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1099 14<sup>th</sup> Street, N.W., Washington D.C. 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

Appeal Due Date and Time: The appeal is due on [14 days from issuance]. If you file the appeal electronically, it will be considered timely filed if the transmission of the entire document through the Agency's website is accomplished no later than 11:59 p.m. Eastern Time on the due date. If you mail the appeal or send it by a delivery service, it must be received by the General Counsel in Washington, D.C. by the close of

business at 5:00 p.m. Eastern Time or be postmarked or given to the delivery service no later than [one day before the due date set forth above].

**Extension of Time to File Appeal:** Upon good cause shown, the General Counsel may grant you an extension of time to file the appeal. A request for an extension of time may be filed electronically, by fax, by mail, or by delivery service. To file electronically, go to [www.nlrb.gov](http://www.nlrb.gov), click on E-Gov, select E-Filing, and follow the detailed instructions. The fax number is (202) 273-4283. A request for an extension of time to file an appeal must be received on or before the original appeal due date. A request for an extension of time that is mailed or given to the delivery service and is postmarked or delivered to the service before the appeal due date but received after the appeal due date will be rejected as untimely. Unless filed electronically, a copy of any request for extension of time should be sent to me.

**Confidentiality/Privilege:** Please be advised that we cannot accept any limitations on the use of any appeal statement or evidence in support thereof provided to the Agency. Thus, any claim of confidentiality or privilege cannot be honored, except as provided by the FOIA, 5 U.S.C. 552, and any appeal statement may be subject to discretionary disclosure to a party upon request during the processing of the appeal. In the event the appeal is sustained, any statement or material submitted may be subject to introduction as evidence at any hearing that may be held before an administrative law judge. Because we are required by the Federal Records Act to keep copies of documents used in our case handling for some period of years after a case closes, we may be required by the FOIA to disclose such records upon request, absent some applicable exemption such as those that protect confidential source, commercial/financial information or personal privacy interests (e.g., FOIA Exemptions 4, 6, 7(C) and 7(d), 5 U.S.C. § 552(b)(4), (6), (7)(C), and (7)(D)). Accordingly, we will not honor any requests to place limitations on our use of appeal statements or supporting evidence beyond those prescribed by the foregoing laws, regulations, and policies.

**Notice to Other Parties of Appeal:** You should notify the other party(ies) to the case that an appeal has been filed. Therefore, at the time the appeal is sent to the General Counsel, please complete the enclosed Appeal Form (NLRB-4767) and send one copy of the form to all parties whose names and addresses are set forth in this letter.

Should you have any questions regarding the attached dismissal letter in English, please get in touch with the Board agent who investigated the case.

Very truly yours,

Regional Director

Enclosures

cc: [Charging Party (unless addressed above because not represented by an attorney)]

Non-Attorney Representative of Charging Party  
Charged Party and Representative

General Counsel, Office of Appeals, NRLB, Room 8828, 1099 14<sup>th</sup> Street,  
N.W.,  
Washington, DC 20570]